

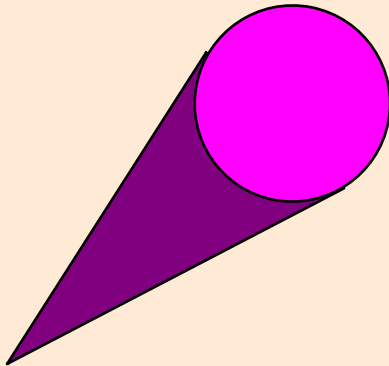
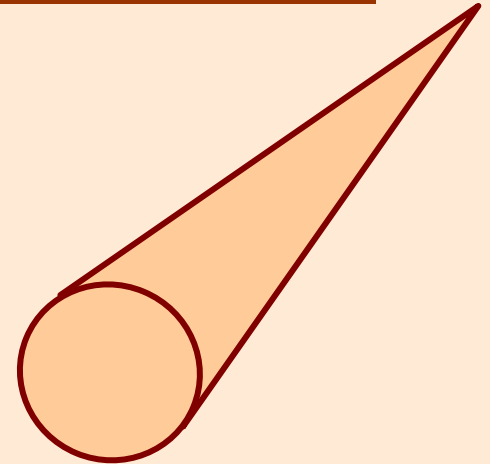
PREVENTION OF SEXUAL HARASSMENT

POSSIBLE



OVERVIEW

Course Objectives
Legal and Regulatory Basis
Definitions
Case Law



Associated Behaviors
Impact of Sexual Harassment
Responsibilities

COURSE OBJECTIVES

- ✚ To understand what constitutes sexual harassment
- ✚ To identify the costs of a hostile work environment
- ✚ To recognize and accept your role and responsibilities



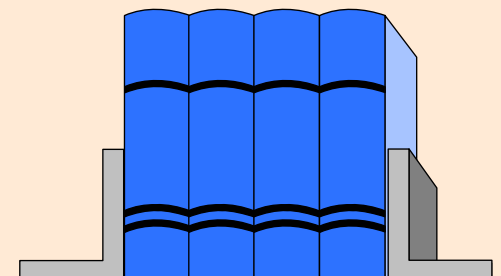
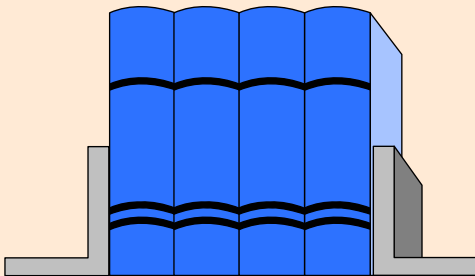
LEGAL AND REGULATORY BASES

Title VII of the Civil Rights Act of 1964 (Amended in 1972)

EEOC Guidelines on Sexual Harassment

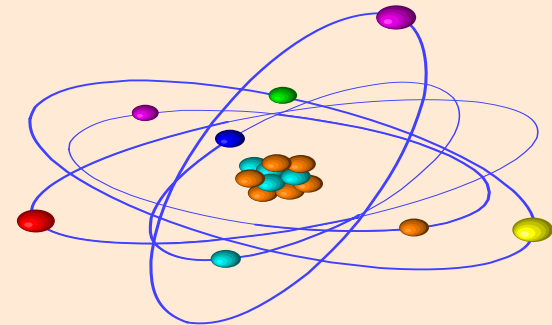
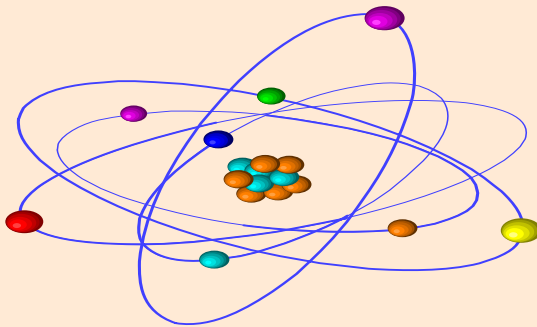
Civil Service Reform Act of 1978

Civil Rights Act of 1991

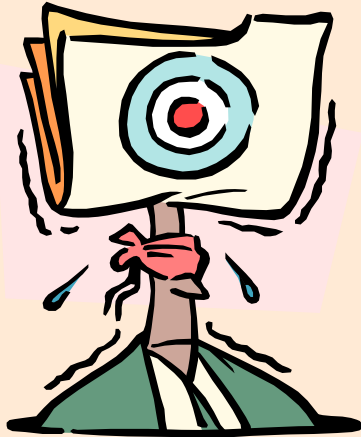


THE EEOC DEFINITION OF SEXUAL HARASSMENT

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature



HOSTILE ENVIRONMENT

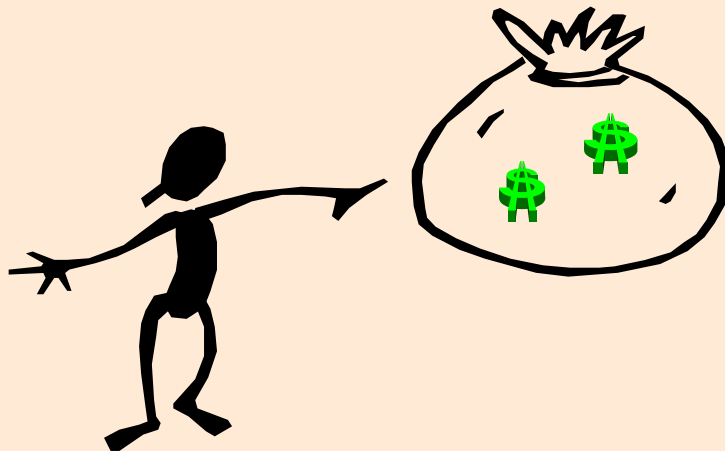


Making unwelcome sexual advances or other verbal or physical conduct of a sexual nature with the purpose of, or that creates the affect of, unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment

Quid Pro Quo

Tangible Employment Actions

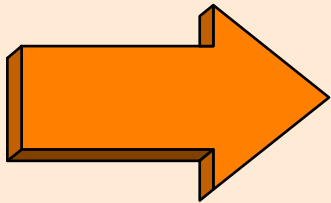
When submission to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature is made a term or condition, implicitly or explicitly, of an individual's continued employment



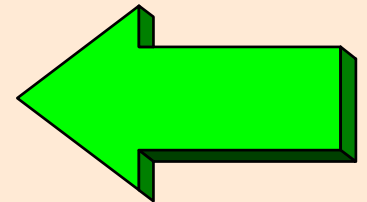
'THIS FOR THAT'

SEX DISCRIMINATION

Any practice or policy which results in differential treatment of an individual because of his or her gender



the exception to this is



Bona Fide Occupational Qualification

As an example, a specific gender is necessary for authenticity, genuineness, or normal operation of the job

SEX ROLE STATIC

Dear

Chum

Good ol'Boy

Unthinking, undirected,
everyday, taken-for-granted
remarks and actions based on
gender stereotypes

Gal

Honey

Boy

STEREOTYPE



A fixed, unchanging idea
about someone or
something which may
have little relationship to
fact

WARNING: The danger of stereotyping is that instead of reacting naturally in a situation, the individual reacts or behaves according to the stereotype!

SEX ROLE STEREOTYPE



Men are -

traditionally thought
to be aggressive,
independent, and
unemotional simply
because they are men

SEX ROLE STEREOTYPE



Women are -

**thought to be
nonaggressive,
dependent, and
emotional simply
because they are
women**

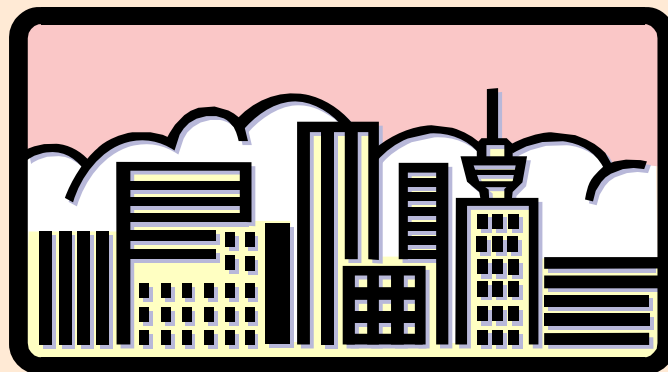
CASE LAW



- **Weiss v. Coca Cola Bottling Company**
- **Harris v. Forklift Systems, Inc.**
- **Oncale v. Sundowner Offshore Services**
- **Burlington Industries, Inc. v. Ellerth and Faragher v. City of Boca Raton**

Weiss v. Coca Cola Bottling Company

Court found no legal violation where a woman's supervisor, over the course of a few months, had asked her out on dates, called her a dumb blonde, placed his hand on her shoulder, placed "I love you" signs in her work area, and attempted to kiss her



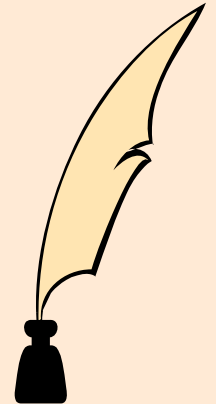
Harris v. Forklift Systems, Inc.

Ruled that psychological damage may be a factor in determining the presence of sexual harassment, but need not be demonstrated to support a claim of sexual harassment. The determination of whether particular behavior amounts to sexual harassment should be based on the application of a 'reasonable person' standard.



Oncale v. Sundowner Offshore Services

**Ruled that same - sex
harassment is actionable
under Title VII**



**Must prove alleged
actions were based on
sex and rose to the level
of sexual harassment**



Burlington Industries, Inc. v. Ellerth and Faragher v. City of Boca Raton

**Ruled that employers
are always liable for
sexual harassment
by supervisor that
results in a tangible
employment action**



COMMON MISCONCEPTIONS

Relationship between accused and victim must be supervisor to subordinate

Sexual harassment must involve touching or other physical conduct

Victim must be the one against whom the unwelcome conduct is directed

Consenting to requests for sexual relations prevents sexual harassment

You cannot prove that sexual harassment took place

Must occur more than once

ASSOCIATED BEHAVIORS

Verbal Sexual Harassment

Nonverbal

Physical

Criminal Behavior



VERBAL SEXUAL HARASSMENT

Personal questions or comments of a sexual nature

Whistling,
barking, or cat
calls



Jokes, profanity,
lies, rumors of a
sexual nature

Persistently asking for a date from an uninterested party

NONVERBAL SEXUAL HARASSMENT

Letters, gifts, or materials of a sexual nature



Leaving sexually oriented cartoons, pictures, letters, magazines in the work environment



Gestures made with intentional sexual overtones, such as: blowing kisses, licking lips, winking, and body movement



Sexually suggestive visuals



Touching or rubbing oneself inappropriately around another person



PHYSICAL SEXUAL HARASSMENT

Touching

Patting

Cornering

Grabbing

**Blocking
Passageway**

Bumping

Hugging

Kissing

Pinching

**Playing
Footsie/Kneesie**



CRIMINAL BEHAVIOR

Indecent Assault

Battery

Aggravated Assault

Rape



IMPACT ON THE MISSION



Performance
Absenteeism
Increase in Turnover
Mission Readiness



IMPACT ON THE INDIVIDUAL

Loss of position

Impact on
performance
appraisal



Loss of
promotional
opportunities

Psychological effects -- physical & emotional

BEHAVIORAL RESPONSES

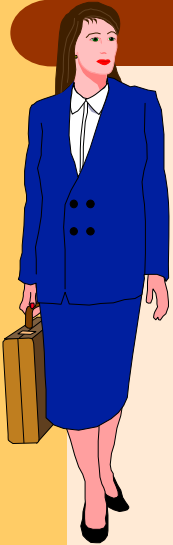
Aggressive
Behavior

Assertive Behavior

Nonassertive
Behavior



WHEN DOES AN ENVIRONMENT BECOME SEXUALLY HOSTILE?



“ You know it when you see it”

To determine if your behavior could be unwelcome to another individual, remember that “unwelcome” is decided by the recipient of the behavior, not the person exhibiting the behavior

It is the IMPACT OF BEHAVIOR, not the INTENT OF THE INDIVIDUAL who exhibits the behavior, that determines if sexual harassment has occurred



EVERYONE'S RESPONSIBILITY

Know DA policy

Speak out

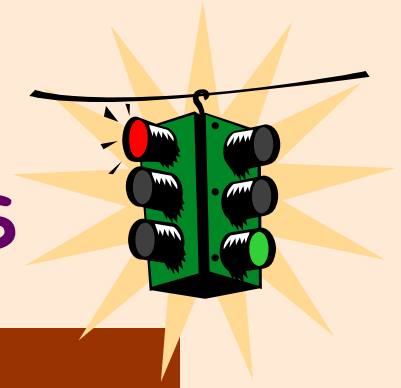
Set a positive example

Know your co - workers

**Be aware of complaint
channels**



LEADERSHIP RESPONSIBILITIES



Recognize your obligation and authority to create and preserve a work environment free from sexual harassment

Set the tone; be above reproach; ensure a positive and professional work environment

Be tuned in; adopt a “no-nonsense” mind - set

Take immediate action on observed or reported incidents

Counsel offender and document action(s) taken

COUNSELING

- I. Determine Behavior**
- II. Determine Purpose**
- III. Outline Specific Behavior Changes Required**



EMPLOYEE'S RESPONSIBILITIES



Tell the perpetrator to cease and desist!

If it continues, notify the chain of command

If it still persists, contact the EEO office

Observers of sexual harassment should bring it to the attention of an appropriate official

Document harassment and action(s) taken

REASONS WHY SEXUAL HARASSMENT IS NOT REPORTED:

Fear

Unaware of Policy

Socialization



AVENUES OF REDRESS

“Grievances cannot be redressed unless they are known, and they cannot be known but through complaints, if these are deemed affronts, and the messengers punished. As offenders, who will henceforth send petitions? Where complaining is a crime, hope becomes despair.”

Benjamin Franklin 1774

PERSONAL BEHAVIOR CHECKLIST

Does this behavior contribute to
work output and/or mission
accomplishment?

Could this behavior offend or
hurt those subjected to it?

Could this behavior be
misinterpreted as intentionally
harmful or harassing?



PERSONAL BEHAVIOR CHECKLIST (Cont'd)

How would you feel if someone treated your daughter or son this way?

Would you act this way if your wife, husband, daughter, or minister were present?

How would you feel if a videotape of your actions was shown on the six o'clock news?

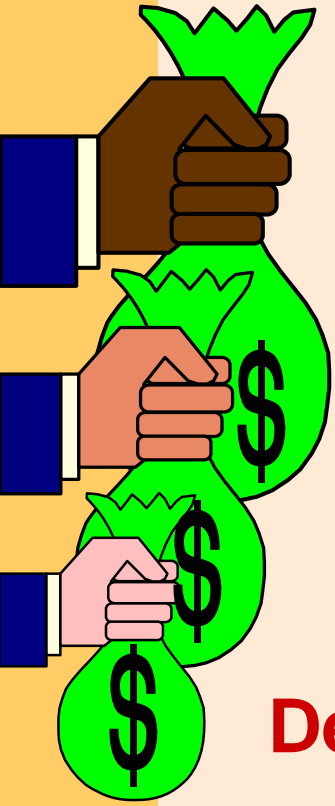


SEXUAL HARASSMENT COSTS!!!

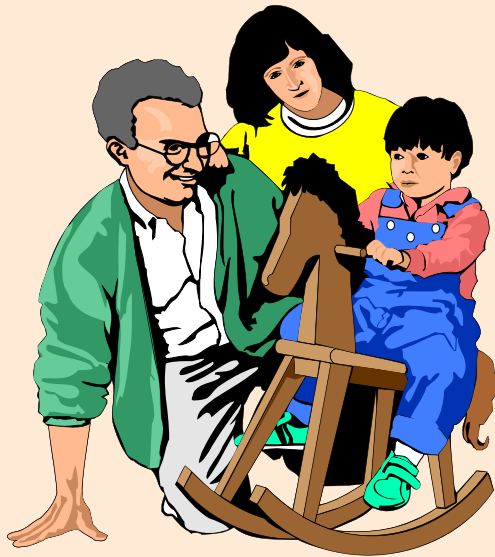
Directly - Department of the Army - and
Indirectly - **you**, the taxpayer

Result is a

Decrease in Productivity



**IF YOU WOULDN'T WANT IT SAID OR
DONE TO OR AROUND YOUR.....**



**PARENT
SIBLING
FRIEND
SPOUSE
OR YOUR
CHILD**



IT DOESN'T BELONG IN THE WORKPLACE!!

Ignoring The
Problem
Won't Make
It Go Away



If We Do Nothing, There is a
Price We Pay...

Information obtained from various resources

Numerous
charts contain
note pages
with additional
information

